

**Introduced by Senator Negrete McLeod**

February 25, 2009

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An act to add Section 31787.65 to the Government Code, relating to death benefits.

LEGISLATIVE COUNSEL'S DIGEST

SB 345, as introduced, Negrete McLeod. Government of counties: death benefits.

Existing law prescribes special death benefits that are payable to the surviving spouse and children of a safety member of a county retirement system, who is killed in the performance of duty or who dies as a result of an accident or injury incurred in the performance of his or her duty.

This bill would require the special death benefit payable to the surviving spouse of a safety member, employed by San Bernardino County, to increase at any time and to the extent the compensation is increased for then-active members, as specified.

This bill also requires that this section will not become operative until adopted by resolution by the Board of Supervisors of a county of the seventh class.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 31787.65 is added to the Government
- 2 Code, to read:
- 3 31787.65. (a) For purposes of Sections 31787.5 and 31787.6,
- 4 the special death benefit for the eligible surviving spouse of a
- 5 safety member killed in the performance of duty or who dies as a

1 result of an accident or injury caused by external violence or  
2 physical force, incurred in the performance of his or her duty, shall  
3 be deemed to increase at any time and to the extent the  
4 compensation is increased for then-active members employed in  
5 the job classification and membership category that was applicable  
6 to the deceased member at the time of the injury, or the onset of  
7 the disease, causing death. The deceased member's final  
8 compensation shall be deemed to be subject to further increases  
9 hereunder only until the earlier of (1) the death of the surviving  
10 spouse or (2) the date that the deceased member would have  
11 attained the age of 50 years.

12 (b) This section applies only to a county of the seventh class,  
13 as defined by Sections 28020 and 28028, as amended by Chapter  
14 1204 of the Statutes of 1971, and shall not be operative until the  
15 Board of Supervisors, by resolution, makes this section applicable  
16 in the county. A resolution to make this section operative in the  
17 county shall specify whether these provisions apply retroactively  
18 or prospectively only.